

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Salisbury
Date: Thursday 24 June 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, Senior Democratic Services Officer, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton	Cllr George Jeans
Cllr Brian Dalton	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Ian West
Cllr Mary Douglas	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Graham Wright
Cllr Mike Hewitt	

Substitutes:

Cllr Ernie Clark	Cllr Leo Randall
Cllr Russell Hawker	Cllr Paul Sample
Cllr Bill Moss	Cllr John Smale
Cllr Christopher Newbury	

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 3 June 2010 (copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Planning Appeals** (*Pages 15 - 16*)

To receive details of completed and pending appeals (copy herewith).

7. **Planning Applications** (*Pages 17 - 18*)

To consider and determine planning applications in the attached schedule.

- 7a **S/2010/0053 - Whiteparish Village Store Ltd The Street Whiteparish**
(Pages 19 - 32)
- 7b **S/2010/0098 - Whiteparish Village Store Ltd The Street Whiteparish**
(Pages 33 - 40)
- 7c **S/2009/1916 - Bathcroft House Morgans Vale Road Redlynch** (Pages
41 - 54)

8. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James**

The Lead Principal Planning Enforcement Officer will update members on progress made in respect of the above application.

9. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 3 JUNE 2010 AT ALAMEIN SUITE, CITY HALL, SALISBURY.

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Paul Sample (Reserve), Cllr Ian West, Cllr Fred Westmoreland (Chairman) and Cllr Graham Wright

Also Present:

Cllr John Brady, Cllr Tony Deane and Cllr Bill Moss

40. Apologies for Absence and Membership of the Committee

Apologies were received from Councillors Mary Douglas and Brian Dalton. Councillor Paul Sample substituted for Councillor Dalton.

41. Minutes

The minutes of the last meeting were approved as a correct record and signed by the Chairman.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 13 May 2010.

42. Declarations of Interest

There were no declarations of interest

43. Chairman's Announcements

There were no announcements

44. **Public Participation**

Mrs Penny Deaker spoke in support of agenda item 8e – S2010/0615 – Burton Farmhouse, Burton, Mere.

45. **Appeal Performance April 1st 2009 - 31st March 2010**

The Area Development Manager presented the report which detailed the performance of the south hub of Wiltshire Council at appeal in the year 2009/2010.

Resolved:

That the report be noted.

46. **Planning Appeals**

The committee received details of the following appeals:

Decisions

S/2009/1052 - Pine Lodge Cottages, Mesh Pond, Downton – allowed – delegated.

S/2009/0269 - The Garage Site, Albany Terrace, Wilton – dismissed – delegated.

S/2009/0913 - The White House, Sansomes Farm, Hop Gardens, Whiteparish - dismissed – delegated.

S/2009/1314 - Layby A338, West Gomeldon - dismissed – delegated.

New appeals

S/2009/1333 - Land adjacent Flamstone Street, Bishopstone

S/2009/1291 - 29 Middleton Road, Salisbury

S/2009/1885 - 19 Southbourne Way, Porton

S/2009/1477 - Land between Pearl Cottage & The Bungalow, Cholderton

47. **Planning Applications**

47a **S/2010/0259 - 9-11 St. Nicholas Road, Salisbury**

Public participation:

Mr Tony Allen spoke in support of the application.

At its meeting on 22 April 2010 the committee resolved to approve the application subject to consultation with the Flood Group and provided that the Environment Agency withdrew its objection and indicated that it did not intend to refer the matter to the Secretary of State

The committee considered the report which sought to update members on the response from the Flood Group and the Environment Agency. There had not been a response from the Flood Group however the Environment Agency had maintained its objection to the development.

Having considered the application in detail it was

Resolved:

That Option A be accepted with the proposed amendment to Condition 2 and that the application be APPROVED for the following reasons:

Reasons for Approval:

The property was originally two dwellings and has historically been occupied as two units on the ground and lower ground floors. The existing five bedroom maisonette is likely to be difficult to sell or let without parking and presently has no flood resistance measures in place. The site is in a sustainable location, close to the city centre, and the ongoing occupation of the flats would benefit the listed building. The property is likely to be more attractive to occupiers if the five bed unit is subdivided as two flats, and the subdivision would reinstate the historic layout of the building. Flood resistance measures and a flood management scheme have been proposed to protect future occupiers from flooding. The proposals would therefore adapt a heritage asset and improve its resilience to climate change under PPS5. The development would reduce the overall number of habitable rooms from five bedrooms to four, and a means of escape is available to the proposed flats on the ground floor at road level. The development would not detrimentally affect neighbouring amenities or existing highway safety conditions. The proposal would therefore be in accordance with adopted policies G2, H8, CN3, CN5, CN8, CN11, C12, C18 and R2 of the Salisbury District Local Plan and the guidance on heritage assets and climate change in PPS5.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development shall be implemented in strict accordance with

i) the Flood Risk Assessment and Management Strategy (Feb 2010) including the flood mitigation measures outlined within Sections 4 and 5 of the document, and

ii) the Construction Method Statement and Schedule of Works (Feb 2010)

before the flats on the ground and lower ground floor are occupied.

Reason: To protect future occupiers against the risk of flooding and to ensure that protected species and the water quality of the River Avon are not harmed during construction.

3. No development shall commence until details of a Flood Management Scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals to ensure that all future occupiers of the flats hereby approved are made aware of the scheme before their occupation commences. The development shall be implemented and occupied in accordance with the agreed scheme at all times thereafter.

Reason: To protect future occupiers against the risk from flooding.

4. The development hereby approved shall be in accordance with the following documents/plans submitted with the application listed below. No variation from the approved documents should be made without the prior approval of this Council.

NJH 0018 Sept 09

Proposed Plans dated April 2010

Door elevations, received 23/2/10

Planning, Design, Heritage and Access Statement, WGDP Feb 2010

Flood Risk Assessment and Management Strategy (Feb 2010)

Construction Method Statement and Schedule of Works, Feb 2010

Independent Wall Lining Solutions, by Karma Acoustics

Reason: For the avoidance of doubt.

47b **S/2010/0395 - Land Located Between Casterbridge and The Paddock
Shripple Lane Winterslow**

Public participation:

Mr Lionel Gent spoke in objection to the application

There had been a site visit to the application site with the following members attending:

Cllr Josie Green
Cllr Mike Hewitt
Cllr George Jeans
Cllr Ian West
Cllr Fred Westmorland
Cllr Richard Britton

The planning officer introduced the report, which officers recommended for refusal, and drew members' attention to the late list in which it was stated that an amended plan had been received showing surface/storm drainage of the site, condition 2 on the report would therefore be removed.

Members debated the application and concerns were raised regarding highways issues, boundary treatment and surface water drainage.

Resolved:

That subject to the completion, within three months of a unilateral agreement in relation to policy R2, the application be APPROVED:

For the following reasons for approval

The site is within the Housing Policy Boundary (Policy H16) and Members agreed with the conclusions of the officer report that the proposed dwelling was of an appropriate scale and design for the site (Policy D2). Members considered that due to the number of dwellings that currently use the access road, that whilst they noted its condition, in this context, the addition of one additional dwelling was not significant

subject to the following conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This decision relates to documents/plans listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

BEL09-034-01 received on 4 March 2010

BEL09-034-02 received on 4 March 2010

804.01C received on 25 May 2010

REASON For the avoidance of doubt

3 The development shall be in accordance with the details of the Arboricultural Method Statement Ref. DJP/316/09 received on 4 March 2010.

REASON To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY G2 General criteria for development

4 No development shall commence on site until details of the treatment of the boundaries of the site to include any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screening hedges, walls and/or fences shall be planted/erected in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

POLICYG2 General criteria for development

5 The construction of the dwelling hereby permitted shall not begin until a surface water drainage scheme has been provided on site to serve the development hereby permitted. The scheme shall ensure that all the surface water is disposed of within the site and that there is no discharge of surface water from the building, the land, the access driveway or the parking/turning areas on to Shripple Lane.

REASON To ensure the development is provided with a satisfactory means of drainage in the interests of the amenity of the locality.

POLICY G2 General criteria for development

6 No development shall commence until details of the permeable/porous surfacing of the access driveway and the parking/turning areas has been submitted to and approved in writing by the Local Planning Authority. The surfacing of the access driveway and the parking/turning area shall be constructed in accordance with these approved details and the permeable/porous surfacing shall be retained and maintained at all times thereafter.

REASON To ensure the development is provided with a satisfactory means of drainage in the interests of the amenity of the locality.

POLICY G2 General criteria for development

7 No development shall commence until full details of a construction method plan, including details of the days and hours of work, size and frequency of vehicles, dust suppression, repair of any damage to the Shrippe Lane by construction vehicles has been submitted and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the agreed details,

REASON To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

POLICY G2 General criteria for development

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows/rooflights [other than those expressly authorised by this permission] shall be constructed.

REASON To ensure adequate standards of privacy for the neighbouring dwelling(s) through the avoidance of overlooking from windows or rooflights.

POLICY G2 General criteria for development

INFORMATIVE 1

For your information, in relation to condition 7, the standard hours of work are considered to be 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays with no work on Sundays, Bank and Public Holidays. Additionally Members considered that no vehicle serving the construction works on the site should exceed 7.5t

47c **S/2010/0471 - The Old Cottage Lower Street Salisbury**

With the Chairman's agreement, this application was considered together with the associated application for listed building consent referred to at minute number 47d below.

Public participation:

Mrs Charon Wolfindale spoke in support of the application
Mrs Jane Wolfindale spoke in support of the application.

The application had been recommended for refusal; however members considered that the proposal would keep the building in use and enhance its character in accordance with the aims of PPS5. It was not considered that the proposal was detrimental to the character of the area nor the amenities of neighbours.

Resolved:

That the application be APPROVED subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY- G2 (General Development Guidance), D3 (General Design Guidance), CN8 (Development within a Conservation Area), PPS5 (Planning for Historic Environment)

(3) Development shall be carried out in accordance with the flood risk assessment submitted on 28th May 2010.

REASON: To mitigate the impacts of flooding

POLICY: PPS25 (Development and Flood Risk)

(4) Development shall be carried out in accordance with the following

plans:

702/3	Submitted on 05/03/10
702/4	Submitted on 28/05/10
Proposed North Elevation	Submitted on 05/03/10
Proposed East Elevation	Submitted on 05/03/10
Proposed West Elevation	Submitted on 05/03/10
Window & Door Details	Submitted on 05/03/10

No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

REASON: For the avoidance of doubt

47d S/2010/0472 - The Old Cottage Lower Street Salisbury

Resolved:

That the application be **APPROVED** subject to the following conditions:

(1) The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY- CN3 (Development affecting a Listed Building) CN8 (Development within a Conservation Area), PPS5 (Planning for Historic Environment)

(3) Development shall be carried out in accordance with the following plans:

702/3	Submitted on 05/03/10
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702/4 Submitted on 28/05/10
Proposed North Elevation Submitted on 05/03/10
Proposed East Elevation Submitted on 05/03/10
Proposed West Elevation Submitted on 05/03/10
Window & Door Details Submitted on 05/03/10

No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

REASON: For the avoidance of doubt

47e **S/2010/0615 - Burton Farmhouse Burton Mere Warminster**

Members considered the retrospective application, which was recommended for approval, for change of use of the outbuildings to allow use as a residential annexe ancillary to Burton Farmhouse.

It was requested that the variation to the S106 to allow sleeping be worded so as to ensure that it was only for the time that the named occupants remain in residence.

Resolved:

That the application be APPROVED subject to the following conditions:

(i) The applicants entering into a deed of variation to the existing Section 106 legal agreement to permit overnight sleeping in the annexe so long as one or other (or both) of the named residents are also in residence. The named residents of the annexe are Mr John Harold Deeker and Mrs Pamela Iris Deeker. The other restrictions and provisos of the existing legal agreement shall remain unaltered.

It is resolved that planning permission should be granted subject to the following conditions:

1. The residential occupation of the ancillary outbuilding/annexe hereby permitted shall only be by the following person(s): Mr John Harold Deeker & Mrs Pamela Iris Deeker

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY – H33 (Accommodation for Dependent Persons)

2. When the ancillary outbuilding/annexe ceases to be residentially occupied by those named in condition 1 above, the use hereby permitted shall revert to ancillary private and domestic purposes incidental to the enjoyment of the associated dwelling (known as Burton Farm House), and shall not be used for any trade, business or industrial purposes whatsoever.

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY – G2 (General Criteria for Development) & C2 (Development in the Countryside)

48. **Land off Hindon Lane, Tisbury.- Outline Application S/2008/0779 for Mixed Use Development of Land to Comprise Around 90 Dwellings and 3800 Square Metres of B1 Business Floorspace (Including Associated Highway Infrastructure) and Landscaping.**

Members considered a report which advised of a proposed change to the S106 agreement in relation to affordable housing provision.

Concerns were expressed regarding the issue of 100% staircasing.

Members requested a report to the committee in 6 weeks time regarding the wider issues of affordable housing provision and viability in the current market.

Resolved:

1. To note the report
2. To request that a further report on issues of affordable housing and viability in the current market be brought to the committee in 6 weeks time.

49. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James**

Public participation

Lt. Col. Stephen Bush spoke in favour of enforcement action.

Mr Martin Gairdner spoke in favour of enforcement action.

Mr Tony Allen spoke in support of recommendation A in the Officers' report.

Mr William Grant spoke in support of recommendation A in the Officers' report.

Mr J Carr, on behalf of Winterbourne Stoke Parish Council, spoke in favour of enforcement action.

Mr Richard Brasher, on behalf of Berwick St James Parish Council, spoke in favour of enforcement action.

The Lead Principal Planning Enforcement Officer introduced the report which had been requested by the committee at its meeting on 22 April 2010. The report advised the committee of various breaches of planning control at the site and set out options for appropriate action.

The committee considered the implications of options A and B and after a lengthy debate it was

Resolved:

- 1. That option A, as detailed in the report, be approved with the proviso that a progress report comes back to next meeting and relevant enforcement notices are drafted in readiness should alternative action through submission of unilateral undertakings not be progressing as envisaged.**
- 2. That all future applications in respect of this site are dealt with by the committee and not under delegated powers.**

50. **Urgent Items**

There were no urgent items

51. **Exclusion of the Press and Public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number below it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

52. **The Old Coach House, East Grimstead.**

The Lead Principal Planning Enforcement Officer presented the confidential report in respect of enforcement at the above site.

Resolved:

That the recommendation, as detailed in the report, be approved.

(Duration of meeting: 6.00pm – 9.25pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
direct line (01225) 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2009/1029	Unit 6 Stockport Business Park, Amesbury	WR	Delegated	Dismissed	No	No
S/2009/1786	2A Albany Road Salisbury	WR	Delegated	Allowed	No	No

New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2009/1543	Adjacent 19 Victoria Road, Wilton	WR	Delegated			
S/2009/0732	44 York Road, Salisbury	Hearing	Delegated			
S/2010/0112	Land adjacent to Ebbleway, Crouchston Drove. Bishopstone	WR	Delegated			

WR Written Representations
HH Fastrack Householder Appeal
H Hearing Local Inquiry

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Agenda Item 7

INDEX OF APPLICATIONS ON 24TH JUNE 2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2010/0053 SITE VISIT 17:00	WHITEPARISH VILLAGE STORE LTD, THE STREET, WHITEPARISH, SALISBURY, SP5 2SG	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A NEW SHOP AND POST OFFICE PREMISES WITH TWO FLATS OVER AND TERRACE OF THREE STARTER HOMES AT THE REAR; OFF STREET PARKING	REFUSE	CLLR RICHARD BRITTON
2	S/2010/0098 SITE VISIT 17:00	WHITEPARISH VILLAGE STORE LTD, THE STREET, WHITEPARISH, SALISBURY, SP5 2SG	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A NEW SHOP AND POST OFFICE PREMISES WITH TWO FLATS OVER AND TERRACE OF THREE STARTER HOMES AT THE REAR; OFF STREET PARKING	REFUSE	CLLR RICHARD BRITTON
3	S/2009/1916 SITE VISIT 16:30	BATHCROFT HOUSE, MORGANS VALE ROAD, REDLYNCH, SALISBURY, SP5 2HA	DEMOLITION OF LIGHT INDUSTRIAL UNIT WITH STORAGE AND CREATION OF RESIDENTIAL DWELLINGS CONSISTING OF 3 TWO BEDROOM APARTMENTS, 3 ONE BEDROOM APARTMENTS AND 3 STUDIO FLATS	APPROVE S106	CLLR LEO RANDALL

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Deadline:	25 th MARCH 2010		
Application Number:	S/2010/0053		
Site Address:	WHITEPARISH VILLAGE STORE LTD THE STREET WHITEPARISH SALISBURY SP5 2SG		
Proposal:	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A NEW SHOP AND POST OFFICE PREMISES WITH TWO FLATS OVER AND TERRACE OF THREE STARTER HOMES AT THE REAR; OFF STREET PARKING		
Applicant/ Agent:	SHERLOCK BOSWELL ARCHITECTURE		
Parish:	WHITEPARISHALDER/WHITE		
Grid Reference:	424544.6 123620.6		
Type of Application:	FULL		
Conservation Area:	WHITEPARISH	LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Application Number **S/2010/0053**
Proposed Development Demolition of existing building and construction of a new shop and post office premises with two flats over and terrace of three starter homes at the rear; off street parking

Officer Report

Councillor Britton has requested that this item be determined by Committee due to :

The considerable public interest in the application. In the interests of local democracy I feel that the complex and contentious issues raised by this application need to be aired and debated in public

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

2. Main Issues

The main issues to consider are :

1. Impact on existing local facility
2. Principle of demolition
3. Impact upon the Conservation Area
4. Impact upon amenities of neighbours
5. Highways
6. Archaeology
7. Protected Species
8. Other matters

3. Site Description

Whiteparish Village Stores and Post Office are housed in a nineteenth century brick building located centrally within the village. The building is located within the Housing Policy Boundary and the Whiteparish Conservation Area. The site which extends some 45 metres to the rear of the building is within a Special Landscape Area.

4. Planning History

S/1999/0318	Extend sorting hall to gain new kitchen area with pitched roof over	A	27/04/99
S/2003/2530	Kitchen/dining room extension	A	9/01/04
S/2007/1369	Change of use of area from residential to A1 (shop) & single storey side extension	INV	30/08/07
S/2007/1866	Change of use of area from residential to A1 (shop) & single storey side extension	AC	08/11/07
2010/98/CAC	Demolition of existing building and construction of a new shop and post office premises with two flats over and terrace of three starter homes at the rear; off street parking		not yet determined

5. The Proposal

It is proposed to demolish the existing shop and post office building and construct a new shop and post office premises with two flats over. At the rear of the building, it is proposed to erect a terrace of three starter homes with off street parking. The applicant has stated that it is proposed to erect the dwellings to finance the re-building of the shop.

6. Planning Policy

The following saved policies are considered relevant to this proposal

G1 and G2	General criteria for development
G5	Water services
D2	Design criteria
H16	Housing policy boundary
C6	Special Landscape Area
C12	Protected species
CN21 and CN22	Archaeology
CN8, CN9, CN10,	Conservation Area
CN11 and CN12	Policies

PPS1	Delivery sustainable development
PPS3	Housing
PPS4	Planning for prosperous economies
PPS5	Planning and the historic environment
PPS7	Sustainable development in rural communities
PPS9	Planning and biodiversity

7. Consultations

District Ecologist

The application is supported by a Phase 1 Ecological Survey which identified a risk of bats being present in the existing shop building and recommends that further Phase 2 surveys should take place to establish the status of the roosts and to confirm the number of bats and species present. Normally this would be required prior to the determination of the application. However, if the planning permission were granted on the basis that the development commenced with the development of the three properties at the rear of the shop, then the Phase 2 Surveys of the shop could be carried out during the summer months as this would not result in any disturbance to the bats, if they are present on the site. Any mitigation could then be provided before any work commenced on the demolition of the shop. However, in view of the need to comply with the habitats regulations, it is recommended that the further surveys are undertaken before the determination of the application

Parish council

Support on the grounds of maintaining the sustainability of the community in Whiteparish

Highways

On the basis of the proposed visibility improvements at the site access, together with the improved shop access for pedestrians, no objection and following receipt of an amended Drawing No. 101 Rev E, confirm highway acceptance of the parking arrangements shown thereon.

Conservation

Object The existing building is apparently of early 20th century date, is attractive and provides a distinct marker of the eastern end of the High St, and the presumption should be against approval of demolition; simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building,

Replacement building does not enhance the Conservation Area, concern regarding design of new dwellings at rear of site and their location which is at odds with the general layout of dwellings in Whiteparish

Environmental Health

No objections

Wessex Water

Not in a Wessex sewered area. Foul drainage is indicated as being to septic tank and there is a water supply in the area.

Southern Water

None received

Archaeology

As the site is close to the historic centre of the village, it is likely to contain evidence for medieval settlement and its associated activities. Therefore an archaeological field evaluation was required prior to the determination of the application and subsequently a small trench excavation was undertaken. Upon receipt of the report the County Archaeologist confirmed that the excavation has been properly done and reflects accurately what was present on site. The earliest features and remains that were present were of post-medieval date, with some residual medieval material within them. There has clearly been activity within the site in the post-medieval period, which has then been sealed by later levelling. Although the evaluation was not able to fully characterise the features, they are clearly not of high significance. Therefore it is considered that the evaluation was sufficient investigation to determine that it is unlikely that significant remains will be impacted upon by the development

Wiltshire Fire and Rescue Services

Comments relating to need for satisfactory access for fire engines, adequate water supplies, necessary and appropriate fire safety measures and encouragement for the provision of domestic sprinklers.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification with an expiry date of 4 March 2010

In September and October 2009, prior to the submission of the application in January 2010, 37 individually signed copies of a duplicated letter of support were received. This duplicated letter stated that

Four years ago, a group took over the shop on behalf of the village. The villagers of Whiteparish intend to own the redeveloped shop

- The shop is a focal point of the village
- The shop is vital for pensioners who do not have independent transport
- The Post Office has expanded its services and is no longer under threat of closure
- About 10 local jobs are provided

Since the application was submitted a further four copies of this letter were received by the Local Planning Authority

A duplicated letter of support of the proposal from the Whiteparish Village Store was accompanied by a further 349 copies of the dating from September/October/November 2009.

Summary of key points raised in that letter were

- There is overwhelming support for the proposal
- Whilst there are aspects which will enable a refusal, there are elements of Local Plan – sustainability, community issues etc which support it
- The existing building is sited dangerously
- The building is in a poor condition and does not comply with disability health and safety

Two letters of **support** has been received

Summary of key points raised were:-

- Support a community asset that is integral to the future needs and cohesion of village life.

- Redevelopment of the shop will encourage sustainable living and reduction in transport
- The various current planning constraints that might appear to be against this proposal should be seen as being over-ruled by the overwhelming community aspect of the application.
- Reservations regarding statements by owner of the track regarding access. As a previous owner of land behind the Church View houses which had access only by way of the disputed track I had access for all purposes over the track. The current Village Stores and Post Office have always had access to the rear for their own use and for the use of the post office vehicles.
- PPS1 allows Planning Authorities to deviate from the Development Plan if other considerations indicate the benefits of giving consent to a specific Planning Application.
- PPS7 encourages Planning Authorities to give their full support to proposals that will improve and enhance the quality and sustainability of rural communities. Planning Authorities have a duty to support the retention of local facilities..
- Planning Authorities have a duty to raise the quality of life and the environment in rural areas and the funding of the proposal is in part dependant upon the low cost dwellings for which there is a need.

Three letters of **objection** have been received.

Whilst not objecting to the redevelopment of the shop; the letters object to the three dwellings on the following grounds:-

- Highway safety concerns
- Increased use of right of way with poor visibility on to A27
- Increased use of access at congested point onto A27, at junction with Common Road
- Right of way between shop and Church View is owned by no1 Church View
- Owner of right of way disputes the ability of the owners of the shop to give a right of access to the land at the rear
- Development would be outside the boundary of the village
- Overdevelopment of the site
- Backland development
- Inappropriate development in a Conservation Area
- Concerns regarding financial viability of scheme
- Loss of privacy to rear garden in Church View

9. Planning Considerations.

9.1 Impact on existing local facility

Salisbury District Local Plan policy PS3 applies to this case as Whiteparish Village Stores and Post Office can clearly be considered to be central to the economic and social life of the village and national and local guidance would therefore support the retention of the shop and post office within the village. Whilst no evidence has been put forward regarding the current viability of the business, it is apparently a thriving concern as a committee of villagers organise the running of the shop. In 2007 permission was granted for an extension to the shop, but this was not proceeded with as following consultation and research within the village, the current proposal to demolish and rebuild the shop, partially funded by the erection of three dwellings at the rear and the creation of two flats over the shop, was considered a better long term option.

National guidance as expressed in PPS4 and Local Plan policy G1(ii) seeks to promote the vitality and viability of communities, and the retention of a shop within a village can be seen as contributing towards this principle, particularly as this is the sole shop within the village. National

guidance and Local Plan policies support the retention of village facilities. PPS1 encourages the creation of sustainable communities and in this context enhancing the economic vitality and viability of the village shop is also a principle objective of the Local Plan. Both PPS4 and PPS7 support proposals that will improve and enhance the quality and sustainability of rural communities and it could be argued that supporting the expansion of the retail space, as well as a providing a more practical and functional layout would encourage the continuity of the community facility provided by the village stores.

The redevelopment scheme appears to be well supported by local people. The shop and post office appear to be run independently. The shop itself is run by a limited company, Whiteparish Village Store Ltd. which has two directors. The supporting documentation states that plans have been drawn up to turn Whiteparish Village Store Ltd. into a community business, and the supporting letter signed by over 400 people refers to the residents of Whiteparish intending to own the redeveloped shop.

The scheme to replace the current shop as outlined in the planning application indicates that the development of three new dwellings at the rear, as well as the flats above the shop, are required to finance the demolition and rebuilding of the shop. No details of the finances of the current shop or the proposed redevelopment have been provided and officers have concerns that neither the viability of the existing or the proposed village shop have been demonstrated. Especially as there appear to be no firm plans for a temporary replacement whilst the shop is being demolished and rebuilt.

The scheme as outlined is for the erection of three houses in the rear of the shop to fund the demolition and rebuilding of the shop. In the current financial climate, there are officer concerns that there is no guarantee that the new housing will be sufficient to fund this redevelopment. This officer concern is not helped by the absence of any information regarding the financial relationship between the shop, the flats over the shop and the three dwellings at the rear. As the application is for both three new dwellings and the redevelopment of the shop, in the worst case scenario the three houses could be erected and occupied, the current shop demolished, no temporary shop provided and then due to insufficient funds no replacement shop erected.

Salisbury District Local Plan policy PS3 applies to this case and Whiteparish Village Stores and Post office can clearly be considered to be central to the economic and social life of the village and national and local guidance would therefore support the retention of the shop and post office within the village. Whilst no evidence has been put forward regarding the current viability of the business, it is apparently a thriving concern as a committee of villagers organise the running of the shop. In 2007 permission was granted for an extension to the shop, but this was not proceeded with as following consultation and research within the village, the current proposal to demolish and rebuild the shop, partially funded by the erection of three dwellings at the rear and the creation of two flats over the shop, was considered a better long term option. National guidance as expressed in PPS4 and Local Plan policy G1(ii) seek to promote the vitality and viability of communities, and the retention of a shop within a village can be seen as contributing towards this principle, particularly as this is the sole shop within the village. National guidance and Local Plan policies support the retention of village facilities. PPS1 encourages the creation of sustainable communities and in this context enhancing the economic vitality and viability of the village shop is also a principle objective of the Local Plan. Both PPS4 and PPS7 support proposals that will improve and enhance the quality and sustainability of rural communities and it could be argued that supporting the expansion of the retail space, as well as a more practical and functional layout would encourage the continuity of the community facility provided by the village stores.

The scheme appears to be well supported by local people and though there are officer concerns that the scheme will result in a temporary loss of a shop, whilst it is redeveloped and there is no guarantee that the development at the rear will be sufficient to fund the redevelopment, there appears to be good will and local support for the proposal. The shop and post office appear to be run separately and the retail element is run by a limited company Whiteparish Village Store Ltd. with two directors. Plans have been drawn up to turn this into a community business, and the supporting letter signed by over 400 people refers to the residents of Whiteparish intending to own the redeveloped shop.

However, the details of the proposed plan to replace the current shop indicate that the development of the three new properties as well as the flats above the shop are required to finance the redevelopment of the shop. No details of the finances of the proposal have been provided and it is a concern that the continued viability of the village shop is not demonstrated, particularly as there appear to be no firm plans for the replacement of the facility whilst the shop is being redeveloped. Additionally there are concerns that without a clear business plan with a financial appraisal of the existing shop and with no evidence regarding the financial relationship between the continued vitality of the business and the erection of the three dwellings at the rear, that the three houses could be erected, the current shop demolished and no replacement erected.

9.2 Principle of housing

The site of the proposed terrace of dwellings would be just within the Whiteparish Housing Policy Boundary though the gardens would be within the designated open countryside. Therefore, in principle, the development of the site for housing is acceptable, subject to its impact on the surrounding environs.

9.3 Principle of demolition

The Conservation Officer considers that the current building makes a positive contribution to the Conservation Area as it has qualities of age, style materials which reflect the local characteristics. He also considers that it relates well to the adjacent Listed Public House (Kings Arms) and when considered as part of the local group of buildings it also serves as a reminder of the gradual development of the settlement. Policy CN9 states that In Conservation Areas, the demolition of buildings is only permitted where the existing structure is:

- (i) wholly beyond repair; or
- (ii) of a character inappropriate to the Conservation Area; or that
- (iii) there are overriding highway, or other safety reasons; or
- (iv) where planning permission has been granted for the development of the site.

(I) Wholly beyond repair

Whilst the applicant has stated that the current buildings are in a poor condition, approaching the end of their economic life and the retail areas are too small to be economically viable, but there is no financial appraisal of the options available and so it has not been clearly demonstrated that the building is wholly beyond repair, and therefore the Conservation Officer considers that in accordance with PPS5, the presumption should be against demolition.

(II) Of a character inappropriate to the Conservation Area

When considering the existing buildings' contribution to the Conservation Area, it is judged to be typical of the Whiteparish village vernacular with brick elevations and a steep clay tiled roof. The main retail building has clearly been added to in the past and in itself is undistinguished and of little architectural value, but the character of the building is not inappropriate to the Conservation Area. However, it could be argued that as the existing building is undistinguished and of no

architectural merit and the replacement will provide enhanced facilities for the village, that the demolition of the undistinguished building could be acceptable.

(III) There are overriding highway, or other safety reasons

Whilst the current building has been operating for a long period as a shop, the access to it is located very close to the highway and it could be argued that a replacement building designed for modern retailing which as well as enhancing the sustainability of the community would provide other advantages, such as improved access to the building, improved visibility and with the creation of a pavement; safer access to the building would have advantages for the local community .

(IV) Where planning permission has been granted for the development of the site

Justification for this proposal rests on the social and economic importance of the existing Village Stores and Post Office and a planning application for the reconstruction of the shop and the erection of three dwellings is currently under consideration.

9.4. Impact on the character of the Conservation Area

The shop is very close to the historic core of the village whose essential character is its close knit linear development facing the road, the present Salisbury to Romsey Road (A27). This settlement pattern is an essential feature of the Conservation Area and is enhanced by the open countryside immediately alongside which contrasts with the compact linear development

The Conservation policies of the Salisbury District Local Plan seek to ensure that development would preserve or enhance the character of the Conservation Area. The removal of features that detract from the quality of the area will be sought and views into and out of the area must be safeguarded. The demolition of buildings will be permitted where the building is of a character inappropriate to the Conservation Area or where planning permission has been granted for the site.

The agent states that the replacement shop building has been designed to be sympathetic to the immediate surroundings, without being a pastiche of the village vernacular. The proposed building would be constructed of brick with traditional detailing and he asserts that the shop front has been designed with a traditional feel. However the Conservation Officer does not consider that the proposed replacement building enhances the Conservation Area. In that officer's view, the replacement building is not distinguished, the shopfront window is too dominant and wide and the building is likely to have a detrimental impact upon the adjacent Kings Arms and overall the design of the building which it is proposed to erect in the place of the existing building would detrimental to the character and appearance of the Whiteparish Conservation Area.

In addition to the proposal to replace the shop it is proposed to erect a small terrace of three houses behind the shop. It is stated that these houses would be starter homes and that they would finance the shop's demolition and reconstruction. In respect of the design of the new houses to the rear of the shop, the general layout is unusual in Whiteparish in that the buildings are in a backland position with a parking area separating them from the rear of the shop. The submitted plans indicate that the proposed two-bedroomed dwellings would demonstrate a simplicity of design with curved arches over the ground floor windows and traditional quoin detailing, but with an unusual double roof form giving a depth of approximately 10.5 metres. Whilst there has been some undistinguished infill development in this part of Whiteparish, it is considered that because their location this small terrace would be at odds with the general layout of dwellings in this part of Whiteparish where nearly all dwellings closely front the street. The proposed small terrace of dwellings would therefore be unrelated to the historic form of the village

and so totally out of keeping with the character of the locality and as such would neither respect nor enhance the character and appearance of the area.

9.5 Impact upon amenities of neighbours

The proposed three houses would be located on slightly higher ground and to the rear of the dwellings which face on to The Street. Concerns have been expressed that dwellings in this backland position will overlook the rear gardens and rear windows of 1, 2 and 3 Church View Cottages and that there will be a loss of privacy due to this overlooking. Though there will be a separation distance of some 30metres between these dwellings, it is considered that as it is the rear and more private elevations which will be overlooked, there will be a perception that there has been a loss of amenities by these dwellings. However, the views will be oblique and whilst this will be a change to the current situation, this is considered not so unreasonable as to be a reason for refusal.

Additionally there are concerns that the first floor flats over the shop will also overlook the side elevation of no.3 Church View. However, whilst these windows will serve the flats' living rooms, the overlooking will be at an oblique angle over the rear garden of this property and whilst this will be a change to the current situation, this is considered not so unreasonable in a residentially developed area where there is indivisibility between rear gardens as to be a reason for refusal

9.6 Highway safety

9.6.1 Shop and post office

The site is located in the centre of the village close to the junction of Common Road and the A27 Romsey Road. A bus stop is close by and cars park alongside the highway. The existing shop fronts directly on to the A27 with no pavement and the land to the rear of the shop is accessed via a right of way which is not owned by the applicants. Whilst concerns have been raised regarding the safety of pedestrians accessing the shop, the redeveloped shop is to be set back from the highway to provide a 2metre wide footpath in front. In the opinion of the Highway Authority, this will improve the shop access for pedestrians and the set back to provide a pavement, will also provide a sufficient improvement in visibility from the vehicular access for this aspect of the application to be acceptable in highway safety terms. No off-street parking is to be provided for the shop and all deliveries will continue to be from The Street.

9.6.2 Dwellings to rear

As regards the proposed residential development, the submitted plans show that it was proposed to create only six car parking spaces to provide off-street parking for the flats over the shop and the three houses. Although the new dwellings would be located in the centre of the village and the proposed dwelling units were very small, the Highway Authority considered that this number of spaces was inadequate. In their view the minimum provision should be 1.5spaces for a two-bedroomed dwelling and 1 space per one-bedroomed unit making a total requirement of 7spaces. On this basis, the applicants have slightly re-organised the space at the rear, and provided the required seven car parking spaces. The Highway Authority has therefore withdrawn its objection to this aspect of the proposal.

9.6.3 Access track

The owner of the access disputes that the land to the rear of the Whiteparish shop has any separate right of way over the access track, and objects to the development, particularly the erection of the three dwellings at the rear of the shop, on these grounds. However, a former owner of land in the vicinity states that the Village Stores always had access to the land at its rear over the right of way.

However whilst this is a matter which can be resolved elsewhere, if the site has no legal means of access then any planning permission which is granted can not be implemented.

9.7 Archaeology

The site is close to the historic centre of the village, which dates to the 10th century, and the site is very close to the church. As such, whilst that part of the site under the shop is likely to have been degraded by the building works associated with the building, the site to the rear was considered likely to contain significant remains or evidence of the medieval settlement of Whiteparish. As such the site was likely to be of considerable archaeological interest and an archaeological evaluation was required prior to the determination of the application. National guidance (PPS5) supported the County Archaeologist in requiring an archaeological field evaluation prior to the determination of the application. Whilst, the applicant suggested a watching brief condition, the County Archaeologist advised that this would not allow for mitigation by design to occur should significant remains be encountered.

Subsequently a small trench excavation was undertaken by a qualified professional. Upon receipt of the report on the trench excavation, the County Archaeologist confirmed that the excavation has been properly done. The findings were that the earliest features and remains that were present were of post-medieval date, with some residual medieval material within them. There had clearly been activity within the site in the post-medieval period, however, this was not considered to be of high significance. Therefore the County Archaeologist considered that the evaluation was sufficient investigation to determine that it is unlikely that significant remains will be impacted upon by the development.

9.8 Protected Species

The application is supported by a Phase 1 Ecological Survey which identified a risk of bats being present in the existing shop building. The report demonstrated that there were many potential locations in the buildings where species such as pipistrelles could gain access behind the roof tiles and recommends that further Phase 2 surveys should take place to establish the status of the roosts and to confirm the number of bats and species present. If the emergence surveys demonstrate that bats are found to be roosting within the building, a Natural England license will be required. The license application will require a detailed assessment of the status of the bats at the site and a detailed mitigation strategy which would be aimed at maintaining the conservation status of the bats at the site. In considering the proposal the LPA has a duty to consider the three tests specified in the Habitats Regulations 1994 (as amended), that Natural England will apply when considering a license application. These tests are firstly that

The purpose of the development should be to preserve public health and safety or other imperative reasons of overriding public interest including those of a social and economic nature.

If the purpose is met, the following two tests must be applied:

1. There is no satisfactory alternative AND
2. The action authorized will not be detrimental to the maintenance of the species concerned at a favorable conservation status in their natural range.

In this case, it could be considered that the redevelopment of the shop is of over-riding public interest in that it ensures the retention of an important amenity/facility for the economic and social well being of the village. Whilst no detail has been provided, it is asserted that the building is in a poor condition and that the retail space is too small and badly laid out for the shop to be economically viable and that if this is the case, then there is no satisfactory alternative (as

required by the tests) to the demolition of the existing shop. Ideally the applicant should undertake emergence surveys before the application is determined so that the nature and location of bat mitigation can be identified. However, if the planning permission were granted on the basis that the development commenced with the development of the three properties at the rear of the shop, then the Phase 2 Surveys of the shop could be carried out during the summer months as the Ecosa ecology report identifies that this would not result in any disturbance to the bats, if they are present on the site.

The County Ecologist also suggests that if the application is approved that conditions could also be used to ensure the risks to bats were very low. These would be required to ensure that:

- a). at least 2 emergence and 1 dawn surveys are undertaken between 1st May and the end of August before ANY work is started on the shop.
- b). the roof spaces remains unused so that they are available for incorporating bat mitigation as determined by the above surveys.
- c). a bat mitigation scheme is provided before ANY work begins on site.

However, in view of the need to comply with the habitats regulations, it is recommended that the further surveys that the ecological survey identified are required before the determination of the application

9.9 Other matters

9.9.1 Drainage

Notwithstanding that no comments have been received from Southern Water, the proposed development is within a foul sewer area and the applicant is proposing to dispose of foul water to a septic tank. National advice given in Circular 3/99 is that the first presumption should be for new development to connect to the public sewer. Only where this is not feasible or practicable should a sewage treatment plant be provided. In this case, where the foul sewer appears to cross the site, it has not been demonstrated that a connection to the foul sewer is neither feasible nor practicable.

9.9.2 Public Open Space – Policy R2

A contribution towards public open space will be required in pursuance of Policy R2 for the terrace of three dwellings at the rear.

10 Conclusion

The existing shop building is appropriate to the Conservation Area and the proposed replacement is undistinguished and does not enhance the Conservation Area. Furthermore the proposed terrace of three dwellings at the rear of the shop would be unrelated to the historic form of the village and as such would be totally out of keeping with the character of the locality, neither respecting nor enhancing the character and appearance of the Conservation Area. Therefore in the absence of a fully specified assessment that the building is wholly beyond repair, the applicant has not clearly demonstrated to the satisfaction of the Local Planning Authority that the proposed demolition of the building would comply with the guidance and aims of PPS5 and Local Plan policy CN9

Also in the absence of any summer emergence surveys, the Local Planning Authority has to assume that pipistrelle bats are present in the existing building and no evidence has been provided of the provision of any appropriate mitigation in the new development or any alternative provision for the roosts of the bats during the construction period contrary to national and local

guidance.

In the absence of any information to demonstrate that it is not feasible or practicable to connect to the foul sewer which appears to cross the site, the applicant has not clearly demonstrated to the satisfaction of the Local Planning Authority that the proposed means of foul drainage would comply with the guidance of Circular 3/99 and Local Plan policy G5

Recommendation

It is recommended that planning permission is REFUSED for the following reasons

The existing shop building makes a positive contribution to the Conservation Area as it has qualities of age, style and materials which reflect the local characteristics and as well as relating well to the adjacent Listed Public House (Kings Arms) it acts as a focal point for this part of the village. The design and visual appearance of the proposed replacement shop is undistinguished and does not enhance the Conservation Area, contrary to Salisbury District Local Plan saved policies CN8 and CN11. Furthermore the proposed terrace of three dwellings would be unrelated to the historic form of the village and as such would be totally out of keeping with the character of the locality, neither respecting nor enhancing the character and appearance of the Conservation Area. Hence the overall scheme fails to preserve or enhance the character of the wider Conservation Area contrary to Salisbury District Local Plan saved policies CN8 and CN11. Consequently in the absence of evidence that the building is wholly beyond repair, the scheme as proposed is not considered to be of sufficient quality to warrant the demolition of the existing shop and the proposal is considered to be contrary to the guidance and aims of PPS5 and Local Plan policy CN9

2 In the absence of a suitable survey by a competent authority, the applicant has not demonstrated to the satisfaction of the Local Planning Authority that the proposed works would not harm a protected species, contrary to the guidance and aims of PPS9 and Salisbury District Local Plan saved policy C12.

3 In the absence of information to demonstrate that a connection to the foul sewer is neither feasible nor practicable, the applicant has not demonstrated to the satisfaction of the Local Planning Authority that the proposed development can not discharge to the public sewer contrary to the national guidance of circular 3/99 and aims of Salisbury District Local Plan saved policy G5

4 The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan as appropriate provision towards public recreational open space has not been made.

Informative

It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, in accordance with the standard requirement for recreational public open space.

Appendices:

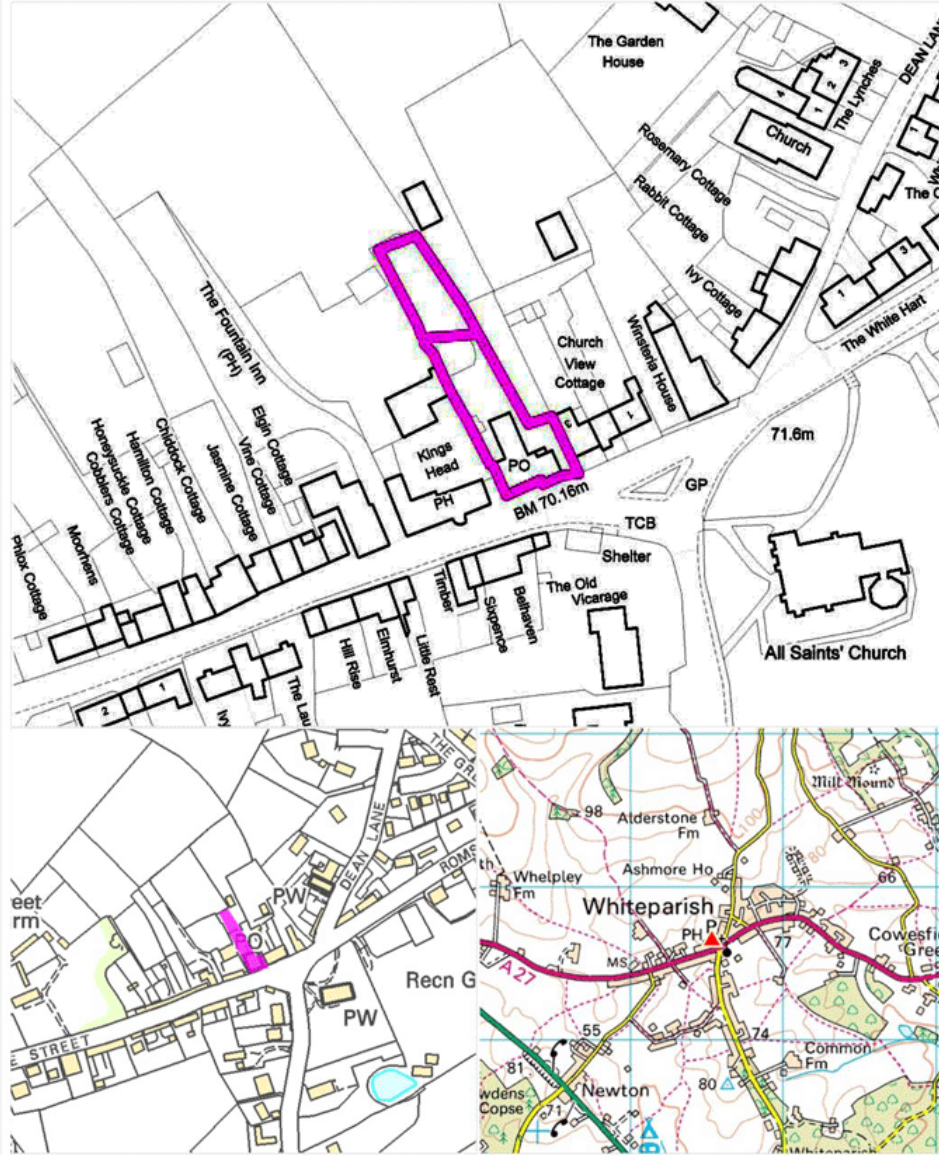
None

Background Documents Used in the Preparation of this Report:	Drawing ref.no. 0712/103 Drawing ref.no. 0712/01 rev A Drawing ref.no. 0712/02 rev A Drawing ref.no. 0712/03 rev C Drawing ref.no. 0712/101 rev E Archaeological evaluation Ref no. ACW275/2/0 dated May 2010-06-08
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DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A NEW SHOP AND POST OFFICE PREMISES WITH TWO FLATS OVER AND

Site Visit:

S/2010/53



Wiltshire Council
Where everybody matters

WHITEPARISH VILLAGE STORE

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Deadline:	25 th MARCH 2010		
Application Number:	S/2010/0098		
Site Address:	WHITEPARISH VILLAGE STORE LTD THE STREET WHITEPARISH SALISBURY SP5 2SG		
Proposal:	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A NEW SHOP AND POST OFFICE PREMISES WITH TWO FLATS OVER AND TERRACE OF THREE STARTER HOMES AT THE REAR; OFF STREET PARKING		
Applicant/ Agent:	SHERLOCK BOSWELL ARCHITECTURE		
Parish:	WHITEPARISHALDER/WHITE		
Grid Reference:	424544.6 123620.6		
Type of Application:	CAC		
Conservation Area:	WHITEPARISH	LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

<p>Application Number S/2010/0098/CAC Proposed Development Demolition of existing building and construction of new shop and Post office with two flats over and terrace of three starter homes at the rear. Off-street parking</p>
Officer Report

Councillor Britton has requested that this item be determined by Committee due to :

The considerable public interest in the application. In the interests of local democracy I feel that the complex and contentious issues raised by this application need to be aired and debated in public

<p>1. Purpose of Report</p> <p>To consider the above application and to recommend that Conservation Area Consent be REFUSED</p>
<p>2. Main Issues</p> <p>The main issues to consider are :</p> <ol style="list-style-type: none"> 1. Principle of demolition 2. Impact upon the Conservation Area

3. Site Description

Whiteparish Village Stores and Post Office are housed in a nineteenth century brick building located centrally within the village. The building is located within the Housing Policy Boundary and the Whiteparish Conservation Area. The site which extends some 45 metres to the rear of the building is within a Special Landscape Area.

4. Planning History

S/1999/0318	Extend sorting hall to gain new kitchen area with pitched roof over	A	27/04/99
S/2003/2530	Kitchen/dining room extension	A	9/01/04
S/2007/1369	Change of use of area from residential to A1 (shop) & single storey side extension	INV	30/08/07
S/2007/1866	Change of use of area from residential to A1 (shop) & single storey side extension	AC	08/11/07
2010/53	Demolition of existing building and construction of a new shop and post office premises with two flats over and terrace of three starter homes at the rear; off street parking		not yet determined

5. The Proposal

It is proposed to demolish the existing shop and post office building and construct a new shop and post office premises with two flats over. At the rear of the building, it is proposed to erect a terrace of three starter homes with off street parking. The applicant has stated that it is proposed to erect the dwellings to finance the re-building of the shop

6. Planning Policy

The following saved policies are considered relevant to this proposal

CN8, CN9, CN10, CN11 and CN12	Conservation Area
PPS5	Planning and the historic environment

7. Consultations

Parish council

Support on the grounds of maintaining the sustainability of the community in Whiteparish

Conservation

Object The existing building is apparently of early 20th century date, is attractive and provides a distinct marker of the eastern end of the High St, and the presumption should be against approval of demolition; simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building,

Replacement building does not enhance the Conservation Area, concern regarding design of new dwellings at rear of site and their location which is at odds with the general layout of dwellings in Whiteparish

8. Publicity

The application was advertised by site notice/press notice /neighbour notification with an expiry date

4 March 2010

In September and October 2009, prior to the submission of the application in January 2010, 37 copies of a duplicated letter of support were received. Each was individually signed. The letter stated that:-

Four years ago, a group took over the shop on behalf of the village. The villagers of Whiteparish intend to own the redeveloped shop

- The shop is a focal point of the village
- The shop is vital for pensioners who do not have independent transport
- The Post Office has expanded its services and is no longer under threat of closure
- About 10 local jobs are provided

Since the application was submitted earlier this year, a further four copies of this letter have been received by the Local Planning Authority

One letter of **objection** has been received.

The shop and PO are an essential service and should be maintained in the existing building if practicable. However, object to the three dwellings in the garden on the following grounds:-

- Development would be outside the boundary of the village
- Increased use of access at congested point onto A27, at junction with Common Road
- Loss of privacy in rear garden
- Right of way between shop and Church View is owned by no1 Church View

9. Planning Considerations

9.1 Principle of demolition

The Conservation Officer considers that the current building makes a positive contribution to the Conservation Area as it has qualities of age, style materials which reflect the local characteristics. He also considers that it relates well to the adjacent Listed Public House (Kings Arms) and when considered as part of the local group of buildings it also serves as a reminder of the gradual development of the settlement. Policy CN9 states that In Conservation Areas, the demolition of buildings is only permitted where the existing structure is:

- (i) wholly beyond repair; or
- (ii) of a character inappropriate to the Conservation Area; or that
- (iii) there are overriding highway, or other safety reasons; or
- (iv) where planning permission has been granted for the development of the site.

(I) Wholly beyond repair

Whilst the applicant has stated that the current buildings are in a poor condition, approaching the end of their economic life and the retail areas are too small to be economically viable, but there is no financial appraisal of the options available and so it has not been clearly demonstrated that the building is wholly beyond repair, and therefore the Conservation Officer considers that in accordance with PPS5, the presumption should be against demolition.

(II) Of a character inappropriate to the Conservation Area

When considering the existing buildings' contribution to the Conservation Area, it is judged to be typical of the Whiteparish village vernacular with brick elevations and a steep clay tiled roof. The main retail building has clearly been added to in the past and in itself is undistinguished and of little architectural value, but the character of the building is not inappropriate to the Conservation Area. However, it could be argued that as the existing building is undistinguished and of no architectural merit and the replacement will provide enhanced facilities for the village, that the demolition of the undistinguished building could be acceptable, providing the replacement building is of a traditional style, form and mass and is sympathetic to its immediate surroundings.

(III) There are overriding highway, or other safety reasons

Whilst the current building has been operating for a long period as a shop, the access to it is located very close to the highway and it could be argued that a replacement building designed for modern retailing which as well as enhancing the sustainability of the community would provide other advantages, such as improved access to the building, improved visibility and with the creation of a pavement; safer access to the building would have advantages for the local community .

(IV) Where planning permission has been granted for the development of the site

Justification for this proposal rests on the social and economic importance of the existing Village Stores and Post Office. National guidance and Local Plan policies support the retention of village facilities. PPS1 encourages the creation of sustainable communities and in this context enhancing the economic vitality and viability of the village shop is also a principle objective of the

Local Plan. Both PPS4 and PPS7 support proposals that will improve and enhance the quality and sustainability of rural communities and it could be argued that supporting the expansion of the retail space, as well as a more practical and functional layout would encourage the continuity of the community facility provided by the village stores.

9.2. Impact on the character of the Conservation Area.

The Conservation policies of the Salisbury District Local Plan seek to ensure that development would preserve or enhance the character of the Conservation Area. The removal of features that detract from the quality of the area will be sought and views into and out of the area must be safeguarded. The demolition of buildings will be permitted where the building is of a character inappropriate to the Conservation Area or where planning permission has been granted for the site.

The agent states that the replacement shop building has been designed to be sympathetic to the immediate surroundings, without being a pastiche of the village vernacular. The proposed building would be constructed of brick with traditional detailing and he asserts that the shop front has been designed with a traditional feel. However the Conservation Officer does not consider that the proposed replacement building enhances the Conservation Area. In that officer's view, the replacement building is not distinguished, the shopfront window is too dominant and wide and the building is likely to have a detrimental impact upon the adjacent Kings Arms and overall the design of the building which it is proposed to erect in the place of the existing building would be detrimental to the character and appearance of the Whiteparish Conservation Area

However, in addition to the proposal to demolish and replace the shop it is proposed to erect a small terrace of three houses behind the shop. It is stated that these houses would be starter homes and that they would finance the shop's demolition and reconstruction. The site of the dwellings would be just within the Whiteparish Housing Policy Boundary but the gardens would be within the designated open countryside, though this is also true of part of the current garden of the building. The shop is very close to the historic core of the village whose essential character is its close knit linear development facing the road, the present Salisbury to Romsey Road (A27). This settlement pattern is an essential feature of the Conservation Area and is enhanced by the open countryside immediately alongside which contrasts with the compact linear development. The proposed small terrace of dwellings would therefore be unrelated to the historic form of the village and as such would neither respect nor enhance the character and appearance of the area. Overall, it is considered that the erection of a small terrace of dwellings in the position proposed would be totally out of keeping with the character of the locality

10. Conclusion

The general presumption in both national and local guidance is in favour of retaining buildings which, make a positive contribution to the character and appearance of a Conservation Area. In this case, it has not been established that the building is wholly beyond repair, the character and appearance of the building are appropriate to the Conservation Area, indeed it is considered that the current building makes a positive contribution to the Conservation Area. PPS5 has a presumption in favour of the conservation of heritage assets and suggests that the Local

Planning Authority should refuse consent for their total loss unless the loss would deliver substantial public benefits, the current nature of the building prevents reasonable use of the site and no viable use of the building can be found.

In this case, though there may be a public interest in demolishing the building, as it is asserted that a new building would provide a more practical and functional layout, no evidence has been provided to demonstrate this. In addition no financial appraisal of the scheme or the alternatives has been provided and therefore it has not been clearly demonstrated that the proposal to demolish the existing building is the only way of resolving the future of the shop and so the proposal is considered to be contrary to Local Plan policy CN9 and the aims of the national guidance as expressed in PPS5

Recommendation

Refuse for the following reasons

The existing shop building makes a positive contribution to the Conservation Area as it has qualities of age, style and materials which reflect the local characteristics and as well as relating well to the adjacent Listed Public House (Kings Arms) it acts as a focal point for this part of the village. The design and visual appearance of the proposed replacement shop is undistinguished and does not enhance the Conservation Area. Furthermore the proposed terrace of three dwellings would be unrelated to the historic form of the village and as such would be totally out of keeping with the character of the locality, neither respecting nor enhancing the character and appearance of the Conservation Area. Hence the overall scheme fails to preserve or enhance the character of the wider Conservation Area. Consequently in the absence of evidence that the building is wholly beyond repair, the scheme as proposed is not considered to be of sufficient quality to warrant the demolition of the existing shop and the proposal is considered to be contrary to the guidance and aims of PPS5 and Local Plan policy CN9.

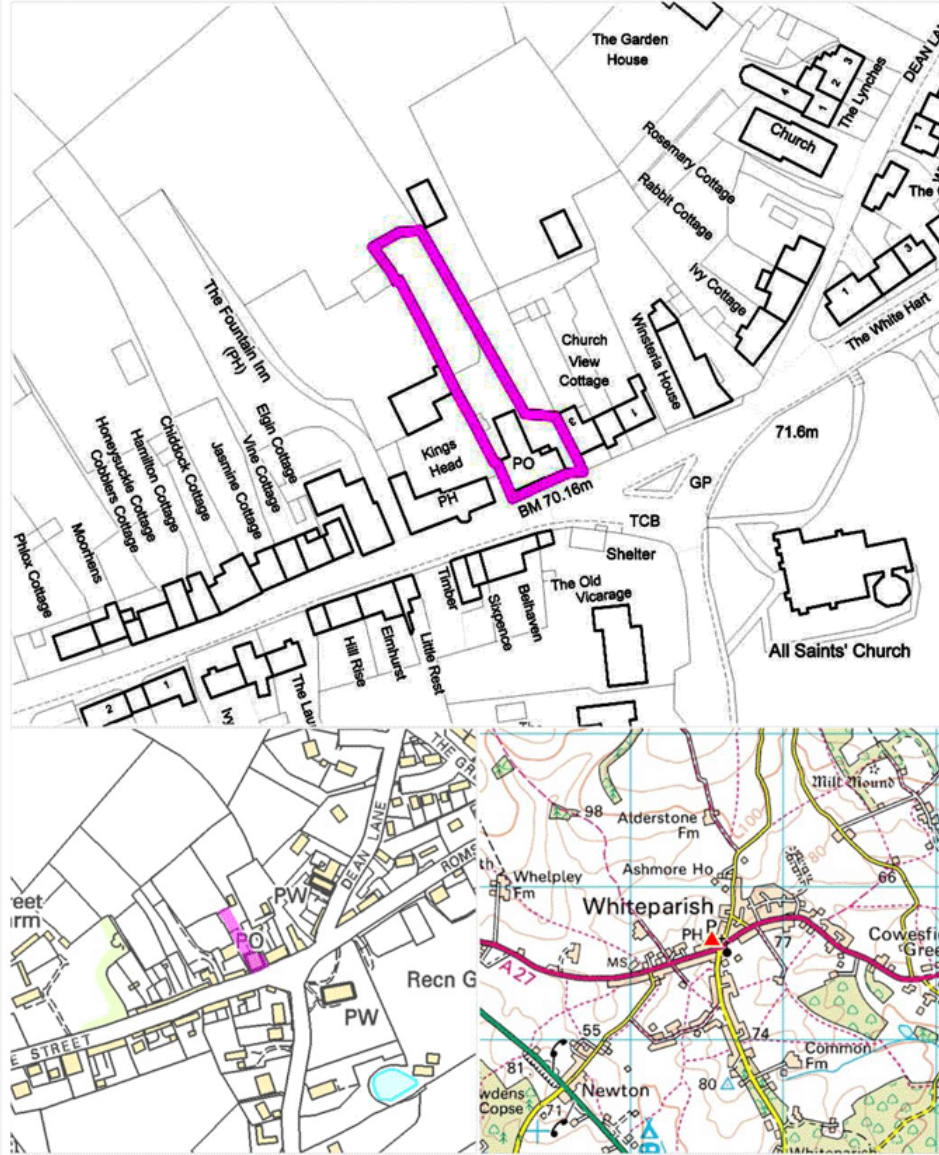
Appendices:	NONE.
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Background Documents Used in the Preparation of this Report:	Drawing ref.no. 0712/103 Drawing ref.no. 0712/01 rev A Drawing ref.no. 0712/02 rev A Drawing ref.no. 0712/03 rev C Drawing ref.no. 0712/101 rev E
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DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A NEW SHOP AND POST OFFICE PREMISES WITH TWO FLATS OVER AND

Site Visit:

S/2010/98



Wiltshire Council
Where everybody matters

WHITEPARISH VILLAGE STORE

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Deadline:	15 th FEBRUARY 2010		
Application Number:	S/2009/1916		
Site Address:	BATHCROFT HOUSE MORGANS VALE ROAD REDLYNCH SALISBURY SP5 2HA		
Proposal:	DEMOLITION OF LIGHT INDUSTRIAL UNIT WITH STORAGE AND CREATION OF RESIDENTIAL DWELLINGS CONSISTING OF 3 TWO BEDROOM APARTMENTS, 3 ONE BEDROOM APARTMENTS AND 3 STUDIO FLATS		
Applicant/ Agent:	THE DRAWING BOARD		
Parish:	REDLYNCHREDL/LANDFORD		
Grid Reference:	419892.83404398 121143.7090725		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Application Number S/2009/1916

Proposed Development Demolition of light industrial unit with storage and creation of residential dwellings consisting of 3 two bedroom apartments, 3 one bedroom apartments and 3 studio flats

Officer Report

Councillor Randall has requested that this item be determined by Committee due to :

Scale of development
Environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that subject to a unilateral agreement in relation to the provision of public open space (policy R2) that planning permission be APPROVED:

2. Main Issues

1. History
2. Principle
3. Design
4. Character of the area
5. Impact upon existing facilities
6. Impact upon amenities
7. Highway issues
8. Other matters

3. Site Description

The site is part of the former Redlynch Garage, which was formed from a building on the front of the site and a large industrial shed type structure to the rear. To the east of the buildings there is a large car park which has two vehicular accesses onto two roads; one on to Morgan's Corner and the other on to Morgan's Vale Road.

The building at the front of the site has been changed into three take-aways/restaurants and a small shop whilst that to the rear was formally used by Bathcraft as workshops including the restoration of baths. The workshops were accessed via the narrow private drive off Morgans Vale Road. This vehicular access is shared by the five modern industrial units to the southwest.

Part of the surroundings of the site are residential. To the west the character of the area is dominated by former Council houses. The area has a spacious feel and the dwellings are very similar semi-detached, two storey brick houses with long gardens. To the east of the site, the residential character is more mixed, the dwellings are a mixture of ages, styles and sizes (though again most are constructed of brick) on a variety of size of plots

The large car park adjacent to the buildings is solely for the use of the customers to the take-aways/restaurants.

4. Planning History

75/0769	Demolition of store & outbuilding & construction of garage	A	22.09.75
78/0697	Formation of hardstanding for car sales 19.07.78	AC	
81/0146	Alterations to existing building	AC	15.04.81
88/0778	Replacement of old industrial/storage units with new buildings specially designed for small businesses	AC	03.08.88
89/0116	O/L small dwelling house & access	R Appeal dis	29.03.89 14.12.89
89/1222	Demolition of garage and erection of 26 flats with new road and parking	R	23.08.89
91/1145	O/L - Demolition of approx. 7000 sq ft of garage workshop and second-hand car sales and replace with residential units constructed in two storeys with alteration to access	R	25.09.91
91/1366	Change of Use of existing offices to two residential flats	AC	18.12.91
97/1797	Change of use from A1 to A3 (vacant shop to takeaway) ground floor only	R	17.02.98

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98/0449	Change of use to A3 (takeaway) ground floor only 18.05.98		AC
98/1057	Change of use of B1 office/store to Royal Mail sorting office	AC	10.08.98
98/1371	Change of use (retrospective) – confirmation of AC existing use (shop, petrol sales, sub Post Office)		19.10.98
00/0783	Sub-division of existing A1 shop to provide A3 tea-room	AC	28.06.00
00/1448	CoU of existing shop & petrol services to A3 restaurant and Take-away	AC	10.01.01
03/1515	Change of use from existing A1 shop and post office to proposed A3 pizza takeaway	AC	07.11.03
03/1516	CoU from royal mail sorting office to B1 office	AC	07.11.03
04/1185	Demolition of existing workshop and construction of replacement building		AC10/08/04
05/2160	Change of use from B1 (offices) to C3 (residential)		R19.12.05
06/1440	Change of use from Royal Mail sorting office to C3 Residential	R	29/08/06
06/1673	Residential development of 8 flats and dwellings and one unit for Salisbury police 02/10/06		WD
07/1918	A mixed use of residential & commercial consisting of 6 x 1 bedroomed residential units over 6 B1 units and 1 One bedroomed dwelling		INVALIDATED 23/11/07
07/2112	Change of use from Royal Mail sorting office to A1 shop and general store.		AC13/12/07

5. The Proposal

It is proposed to demolish the large industrial shed type structure, leaving the existing building at the front of the site as a totally separate unit. On the site at the rear of this building which is used by restaurants/take-aways, it is proposed that a detached building providing nine residential units be erected. The nine units will form a single two storey block with rooms in the roof. Access to the on-site car parking will be solely via the private drive off Morgans Vale Road. A vehicular access that the flats will share with the industrial units to the south of the site

6. Planning Policy

The following policies are considered relevant to this proposal

G1 and G2	General criteria for development
H16	Housing Policy Boundary
D2	Design criteria
E16	Employment area
PPS4	Commercial development
SPG	Creating Places

7. Consultations

Parish council

Object due to scale of development and the environmental/highway impact of the proposal. If application is recommended for approval, it should be determined by the Area Planning Committee

Highways

It is considered that the proposed development will not have any significant impact on highway safety and therefore recommend no highway objection be raised to it.

Environment Agency

None received but previously commented as follows:-

No objection subject to condition regarding water efficiency. The development overlies a Minor Aquifer as defined by the Policy and Practice for the Protection of Groundwater (PPPG). We note that the site was previously used for light industrial purposes where potential contamination land issues may be present. However, given the small nature of the site, we would have no further comments to make on this, providing that the Local Authority (particularly Environmental Health) are not aware of any specific problems in this regard. If contaminated soil and/or water are encountered during construction, appropriate measures should be taken to minimise the risk to controlled waters and the environment. The developer should be aware that it might be necessary to remove any soil or water arising from excavations (foundations etc.) to a suitable waste disposal facility

Environmental Health

Originally concerned about potential loss of amenity for the future occupants of the development, due to noise and odour and the design of the development which proposes living rooms above bedrooms. However, on the basis of the additional information from the applicant, the Environmental Health Officer was satisfied that these concerns had been dealt with and should members be minded to grant consent, would recommend a condition requiring the applicant to commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority. Any remediation scheme to be fully implemented and the validation report forwarded to the Local Planning Authority, prior to the occupation of the dwellings.

Wessex Water

Foul sewer in the area and connection can be agreed at a later stage. A foul sewer crosses the site. A 3m easement will be required. As the sewer crosses the access route diversion or protection works may need to be agreed. The Developer must protect the integrity of Wessex

Systems

Wiltshire Fire and Rescue Services

Comments relating to need for satisfactory access for fire engines, adequate water supplies, necessary and appropriate fire safety measures and encouragement for the provision of domestic sprinklers.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 28 January

Four letters of comment/objection that have been received.

Summary of key points raised

Concerns regarding increase in vehicles using the site and consequent effect on parking for industrial units and local roads
Cars already block drives in the area, nine flats will worsen this situation
Dangerous corner, traffic does not keep to speed limit
Concerns regarding access for business/industrial units, access is already very narrow.
Concerns regarding impact of large residential development on viability of business/industrial units

Loss of privacy.

Concerns regarding increase in noise and disturbance.

Loss of privacy due to windows and balconies overlooking adjacent gardens.

The height of the proposed dwellings results in overlooking.

Overdevelopment of site

The proposed flats are extremely small and development would be very cramped

Development not in keeping with the local area.

Existing character of area is industrial

9. Planning Considerations.

9.1 History

In 1988 permission was granted for 5 small industrial units adjacent to this site. These were subsequently erected and occupied Whilst not at full capacity, the occupiers of the buildings assert that they are expanding and usage of the units is increasing.

Subsequently consent was sought (in 1989) to demolish the Redlynch Motors garage and erect 26 flats and then in 1991 outline consent was sought for 12 flats. Both of these applications were refused, primarily on access, traffic and amenity grounds.

The two-storey building, to the front of the site which faces on to Morgans Corner is now occupied by three take-aways and restaurants and is in different ownership from the building to the rear.

In 2004, it was accepted that the existing building was in a dilapidated condition and that renovation, was appropriate. Consent was therefore granted for the rear industrial building to

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be replaced with a new building of a similar design. This permission, which was for a single user of the whole building (because of the poor access to the site) has not been implemented and has now expired.

A scheme to provide 8 small flats and an office for Wiltshire Police to serve as the Alderbury Police Station (S/2006/1673) was submitted and then subsequently withdrawn as the building was considered out of scale and inharmonious with the local area, there were highway and environmental health concerns and there had been an inadequate marketing of the building for industrial/employment uses. Additionally, the local police policy changed and small local facilities were not being used.

A subsequent scheme (S/2009/1918) to retain employment opportunities on the site by providing a mixed use development of Live/Work units consisting of six 1 bedroom units over B1 units and a single dwelling was invalidated in light of a technical problem regarding the design and access statement but prior to the withdrawal of the application; issues were raised by consultees and there were concerns regarding the proposed design of the building.

9.2 Principle

The site is part of the former Redlynch Garage, and the general surroundings are largely residential. However in the immediate vicinity the character is more mixed as to the north of the site there are three take-aways/restaurants and to the south are five modern industrial units. The site has historically been used for employment purposes and policy E16 of the Local Plan seeks to retain such sites for employment purposes. The only exceptions to retaining jobs on such a site is when the premises are no longer viable for an employment generating use or there would be environmental improvements or conservation benefits from a change of use.

The application is accompanied by evidence from an Estate Agent regarding the marketing of the building for commercial use as the applicant seeks to show that the premises are no longer viable for an employment generating use and could therefore be demolished and the site used for a new purpose. The evidence of the marketing of the building is substantial and significant. Details have been given as to how the property was marketed, the number of interested parties, and the reasons as to why the offers which were made were unsuccessful. The evidence suggests that there was a very limited response to the marketing of the building for employment use; suggesting that both the existing and the proposed replacement building were unattractive to modern businesses seeking good access, loading turning and delivery space. Comments are made that the existing buildings are in a poor condition and redevelopment of the site is required and that furthermore that the redevelopment scheme (consent for which has now expired) was not attractive to employers. The reasons for this were that the approved scheme provided a substantial industrial building but only to be used by one user; the site was very limited in size with little space around it, there was very limited parking and a restricted delivery area. In the view of the estate agent, as the site was surrounded by residential properties and the access was very limited, the serviceability of promises in this location for a single business occupier of a unit of 6300 sq ft was inadequate and therefore the site received little interest.

In view of these comments and the marketing details, it would appear that the existing set-up is unattractive for an employment use. Also redevelopment (as proposed by the approved scheme) has failed to attract a user. It may be that redevelopment for a variety of smaller employment uses, in a similar manner to the small industrial units to the south might be a way forward but the highway authority would have concerns regarding this and therefore as the building has been vacant for a considerable period and the marketing has been extensive over a number of years, (most recently since March 2008) there would appear to be sufficient

evidence to show that the employment use of the site is unviable. The site's redevelopment for a non employment generating use would therefore appear to be in accordance with the criteria of Policy E16.

In general terms the site is surrounded by residential development but its immediate surrounding are a mixture of residential, retail and light industrial and therefore could be considered to be a 'Brownfield' site. The site's redevelopment for residential purposes would therefore be supported by national policy, notably PPS3. Moreover, whilst the site is a disused industrial building which previously provided employment, it is located within the designated Morgan's Vale and Woodfalls Housing Policy Boundary and therefore as its redevelopment for residential purposes would comply with the criteria of Local Plan Policy H16, and residential redevelopment would be acceptable in principle. This acceptance in principle would however, be subject to the proposal complying with national guidance as expressed in PPS4 which seeks to protect rural services/facilities and the other criteria of the Local Plan, in particular the development and design criteria of policies G2 and D2.

9.3 Design of scheme

The scheme has been designed to provide small and affordable units and consists of three, one-bedroomed flats over three studio apartments and three three-storey two bedroomed apartments with balconies. The building has been well designed, incorporating high levels of thermal and noise insulation and sustainability (Code level 4) and will be separated from the take-aways/restaurants by a walkway providing access to the cycle storage. Additionally the flats have been designed so that non-habitable rooms are arranged on the north side of the development adjacent to the takeaways and restaurants.

A second buffer zone has been created to the south of the site so that the small industrial site is separated by the vehicle parking areas and the small amenity areas. The amenity areas will be dropped slightly below the parking areas to assist in separating the flats from their surroundings and part of the parking area will be covered by an open structure with a sedum roof, so that there appears to be additional green space between the flats and the industrial estate.

9.4 Character of the area

As has already been stated, the area around the site is, predominantly characterised by two storey residential properties and despite being a backland site, the existing former garage building is prominent in views from both the B3080 and Morgans Vale Road. Therefore in design terms, the proposed three storey residential building, whose roof form is designed to mirror the existing building to north, will be visually dominant in terms of its height and appearance, though by setting the building down, the ridge height will be the same as the building on the front of the site and will therefore be no more dominant than that existing building.

The scheme proposes a higher density than currently exists in the surrounding area, but would provide a group of small affordable units in a settlement with a range of facilities and services and though unlike the adjacent dwellings, the flats will have limited private amenity space, (though the two, bedroomed units also have small balconies) this is not an unusual situation as regards flats. Overall, whilst the proposed infill development does not respect the scale of other residential development in the area, the massing of the adjoining houses or the architectural characteristics of adjoining dwellings, there is considerable variety in the scale and design of

the dwellings in this part of Redlynch and policy H16 does permit the intensification of residential use of an area, for example by conversion to flats. Whilst this proposal is not for conversion but for the erection of flats, because the site is currently occupied by a single large building, the principle is similar and it could be argued that the proposal is no so out of keeping with the area as to be contrary to the aims and objectives of the Local Plan.

9.5 Impact upon existing facilities

Currently the site is a vacant industrial unit and the therefore activity has been insignificant. Concerns have been raised that the introduction of residential units in such close proximity to the takeaways and the small industrial units will lead to conflict, as the uses are incompatible. Historically, this immediate area has a mixture of uses and the amendments to the internal design of the flats have overcome the concern of the Environmental Health Officer as regards noise and odour. As regards the narrow access from Morgan's Vale Road, the employment use could be resumed at any time without planning permission, which would substantially increase the number of vehicles using the access and could be considered to be likely to have a similar impact upon the vitality of the small industrial estate. As regards the potential for conflict between different uses, areas of mixed use are common in larger settlements and the apartment block has been designed to minimise the intrusive effect of the adjacent takeaways and the industrial units. Though concerns have been raised that the presence of residential uses in such close proximity to the commercial units might have an impact upon their long term viability and vitality, there are other existing dwellings in the vicinity and it is not considered that the erection of this additional apartment block would have such a detrimental impact on the industrial units as to warrant refusal.

9.6 Impact on amenities

9.6.1 Existing neighbours

The existing vacant industrial building is adjacent to some residential properties and the area is alleged by the applicant to suffer from some anti-social activities. Neighbours were consulted regarding the proposed redevelopment and have raised a number of concerns, particularly regarding access and parking. However, there are also other concerns relating to the proposal, such as loss of privacy and the likely dominance of the proposal because of its size and height and its unique character.

The dwellings to the south east of the site are separated from the development by a parking area for the take-away's and restaurant but this proposal will result in a larger and much more substantial building replacing the present industrial shed type structure. However, in view of the separation distance between the buildings, created by the car park, these existing dwellings are unlikely to feel dominated by this larger and more imposing residential building. The design envisages balconies on the south west elevations, which will overlook the rear gardens and rear elevations of the properties on Morgans Vale Road. However, there will be a minimum of 30metres between these dwellings and the proposed flats and even though there may be a perception of a loss of privacy and a loss of amenities; it would be difficult to argue that this was sufficiently harmful enough reason to warrant refusal of the proposal.

Residential properties to the northwest of the site will also have a more substantial building on the boundary adjacent to their gardens, and there will be a small loss of light/sunlight due to the larger and more substantial building. However, in view of the separation distance, it is considered that the loss of light of these occupiers will not be sufficiently harmful as to warrant refusal on these grounds. Additionally, the new apartment building has been designed with no windows on this side elevation and because of the angle of the building, even with the first floor

balconies on the southern elevation, it is considered that there will be no loss of privacy to these dwellings or their gardens.

9.6.2 Future occupiers

The proposed development is of a higher density than the surrounding residential development combining studio flats and maisonettes in a single block and the residential units would be in very close proximity to restaurants/takeaways, the car park and the small industrial estate. There was concern therefore regarding the effect of noise and odour from the surrounding buildings and uses on the potential occupants of the proposed flats, particularly as there is virtually no amenity space for the individual units.

However, the applicant has amended the internal design of the units and provided additional information including further details regarding aspects such as the separation of party walls and floors, and an acoustic report to demonstrate that future residents would not suffer from noise intrusion. Additionally the internal spaces were redesigned to offer additional separation between the habitable spaces and the takeaway units so that future occupiers would not suffer from odours from the adjacent takeaways and restaurants. The Environmental Health Officer is now satisfied that provided the noise and odour controls identified in the acoustic report and the revised drawings are implemented that his concerns these concerns regarding noise and odour have been overcome.

There are still some concerns about the possible impact of noise from the adjacent small industrial units and from the takeaway customer car park. However, the apartment building has been designed with no windows on the eastern side elevation in order to reduce the noise impact and the noise from the industrial units is likely to be most intrusive during the day when background noise levels are higher. Therefore as the impact of the noise is likely to be no greater on these flats than on the dwellings in Morgan's Vale Road, it would be difficult to argue that this warranted refusal of the proposal.

9.7 Highway issues

Neighbours were consulted regarding this proposal and raised concerns regarding access and parking. There was considerable local anxiety regarding any increase in the number of vehicles using the site and the consequent effect on parking for both the industrial units and the local roads. However, the Highway Authority considered that the provision of eleven car parking spaces for the development was in accordance with current guidelines. Neighbours were also concerned that cars already park inconsiderately and block drives and that therefore the nine flats would only worsen this situation. However, not only is the level of parking provision in line with current national guidelines but the site has established use rights as an industrial operator and whilst recently the building has been vacant and the amount of traffic negligible, the use could be resumed at any time without planning permission. Therefore whilst there are concerns that any increase in traffic might impact upon the viability of the business/industrial units using the same access, this has to be considered in the light of traffic which could be generated by the resumed use of the industrial building.

When considering the application, the Highway Authority took into account that the existing access from Morgans Vale Road serves the existing industrial unit and in the light of this, had no objection to the use of this access by nine small flats instead. Indeed whilst the existing access serves the 5 industrial units, it is very narrow and therefore use by domestic traffic could be considered to be an environmental benefit as it would be preferable to use by large commercial vehicles which would be required to serve an industrial unit.

9.8 Other Matters

9.8.1 Contamination

The site is a former vehicular garage and has been in use for industrial purposes, which included paint spraying. When approving the replacement of the industrial building on the site, a condition was included requiring a contamination survey. In this case, the applicant has submitted a contaminated land investigation, but this was completed in 2005 by Casella Stanger. Such reports are prepared and recommendations are made on the basis of the risk to the end user of the site. In this case the Casella report was produced with a view to a commercial end use. The Environmental Health Officer advises that the issue of contamination needs to be re-examined having regard to the residential end use and that should the Authority be minded to grant consent, a condition could be applied requiring an up-to date investigation and remediation report.

9.8.2 Public Open Space Local Plan Policy R2

The new dwellings are required to make a contribution towards the provision of public open space in the settlement. The applicant has indicated his willingness to comply with this requirement and a signed unilateral agreement and a cheque for the requisite monies has been received.

10. Conclusion

The site is part of the former Redlynch Garage, and the application was accompanied by evidence showing that the building had been marketed for employment generating uses. But both the existing set-up and the approved scheme for redevelopment proved unattractive and sufficient evidence was provided to show that the employment use of the site was not viable and therefore the site's redevelopment for a non employment generating use would be in accordance with the criteria of Policy E16. As the site is located within the designated Morgan's Vale and Woodfalls Housing Policy Boundary its redevelopment for residential purposes would comply with the criteria of the Local Plan

Because the site is a former vehicular garage and industrial site, there is an issue regarding potential contamination. However, a block of flats with no gardens are unlikely to be at much more risk than the previously approved industrial end user and a further contamination survey could therefore be conditioned.

The proposed two storey residential block would however, be located in close proximity to the existing restaurants and takeaways and the commercial uses to the rear of the site. The internal design of the flats has been amended to overcome the concerns of the Environmental Health Officer though future occupants of the development could be at risk of suffering detriment to their amenity through noise arising from the use of the adjacent car park, late at night but though concerns have been raised that the presence of residential uses in such close proximity to the commercial units might have an impact upon their long term viability and vitality, there are other existing dwellings in the vicinity and it is not considered that the erection of this additional apartment block would have such a detrimental impact on the industrial units as to warrant refusal.

Whilst the dwelling in this part of Redlynch are primarily two storey houses, the provision of flats would provide a greater variety of different sized accommodation and whilst the design of the building would be unlike any of the other houses, it has been designed to reflect the other building to the front of the site. Therefore whilst the building would be out of character with the housing to the east and west, it would not be so incompatible with the appearance of the

locality as to adversely affect its character.

Therefore on balance it is considered that the proposal would be in accordance with national and local guidance

Recommendation

It is recommended that planning permission is granted subject to the completion of a unilateral agreement. For the following reasons

The site was historically used for employment purposes but it has been demonstrated that the premises were no longer viable for an employment generating use and therefore the site's redevelopment for a non employment generating use would be in accordance with the criteria of Policy E16 and supported by PPS3. Moreover as the site is located within the designated Morgan's Vale and Woodfalls Housing Policy Boundary its redevelopment for residential purposes would comply with the criteria of Local Plan Policy H16. This acceptance in principle would however, be subject to the proposal complying with national guidance as expressed in PPS4 which seeks to protect rural services/facilities. Whilst the proposed flats would be close to restaurants/takeaways and an industrial estate the internal design of the flats has been amended to overcome the noise and odour concerns of the Environmental Health Officer (policy G2). Therefore whilst the design of the apartment building would be unlike any of the other houses in the vicinity, (Policy D2) it will reflect the design of the building to the front of the site. would create a greater variety of accommodation in the area and therefore whilst the building would be out of character with the housing to the east and west, it would not be so incompatible with the appearance of the locality as to adversely affect its character and therefore on balance it is considered that the proposal would be in accordance with national and local guidance.

And subject to the following conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No works shall commence until details of all materials and finishes, and where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roof and the parking areas of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To secure a harmonious form of development.

POLICY G2 General criteria for development

3 During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays,

Bank and Public Holidays.

REASON: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

POLICY G2 General criteria for development

4 The development shall be undertaken in accordance with the detailed recommendations of the Report from 24 Acoustics and the drawings ref.nos. 3328/02 Rev S, 3328/03 Rev R, 3328/04 Rev D and 3328/06 Rev Q received on 14 May 2010.

REASON: To secure a harmonious form of development.

POLICY G2 General criteria for development

5 Prior to the commencement of development the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority.

The investigation must include

A full desktop survey of historic land use data

A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages)

A risk assessment of the actual and potential linkages identified

A remediation programme for contaminants identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

The remediation programme shall be fully implemented and the validation report shall be forwarded to the Local Planning Authority, prior to the first occupation of the dwellings.

REASON: In the interests of public health and safety

POLICY G2 General criteria for development.

INFORMATIVES

1: PARTY WALL ACT

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

Appendices: _____ NONE

Background Drawing reference no. 3328.01 Rev B received on 14 May 2010
Documents Used Drawing reference no. 3328.02 Rev S received on 14 May 2010
in the Preparation Drawing reference no. 3328.03 Rev R received on 14 May 2010
of this Report: Drawing reference no. 3328.04 Rev D received on 14 May 2010
Drawing reference no. 3328.05 Rev A received on 14 May 2010
Drawing reference no. 3328.06 Rev Q received on 14 May 2010

